

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THOMAS E. PEREZ, SECRETARY OF LABOR,)
UNITED STATES DEPARTMENT)
OF LABOR,)

Case No. **5:13-cv-04448**

Plaintiff,

v.

CONSENT JUDGMENT

RODOLFO L. CARDONA and ELVIRA B.)
CARDONA, both individual Defendants jointly)
doing business as MONTE FARLEY MANOR)
GUEST HOME, MONTE FARLEY II, URSO'S)
MONTE FARLEY MANOR, and MONTE)
FARLEY IV,)

Defendants.

WHEREAS Plaintiff, THOMAS E. PEREZ, Secretary of Labor, United States Department of
Labor, has filed his Complaint; and Defendants RODOLFO L. CARDONA and ELVIRA B.
CARDONA, both individual Defendants jointly doing business as MONTE FARLEY MANOR GUEST

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U.S. DEPARTMENT OF LABOR
OFFICE OF THE SOLICITOR
90 Seventh Street, Suite 3-700
San Francisco, CA 94103
(415) 625-7740
Fax: (415) 625-7772

HOME, MONTE FARLEY II, URSO'S MONTE FARLEY MANOR, and MONTE FARLEY IV, each hereby acknowledge receipt of a copy of the Complaint herein; acknowledge their right to retain an attorney in this matter; waive service of process, their Answer, and any defense to the Complaint filed herein; waive further findings of fact and conclusions of law; and agree to the entry of this Judgment without contest;

It is, therefore, upon motion of the parties, and for cause shown:

(1) ORDERED, ADJUDGED AND DECREED that Defendants RODOLFO L. CARDONA and ELVIRA B. CARDONA, their officers, agents, servants, and employees and all persons acting or claiming to act on their behalf and interest be, and hereby are, permanently enjoined and restrained from violating the provisions of Sections 6, 7, 11(c), 15(a)(2), and 15(a)(5) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. §§201-19), hereinafter referred to as the Act, in the following manner:

(a) Defendants RODOLFO L. CARDONA and ELVIRA B. CARDONA shall not, contrary to Sections 6 and 15(a)(2) of the Act, employ any employees engaged in commerce, or in the production of goods for commerce, or in an enterprise engaged in commerce or in the production of goods for commerce, at an hourly rate less than the federal minimum wage;

(b) Defendants RODOLFO L. CARDONA and ELVIRA B. CARDONA shall not, contrary to Sections 7 and 15(a)(2) of the Act, employ any employees engaged in commerce, or in the production of goods for commerce, or in an enterprise engaged in commerce or in the production of goods for commerce, for a workweek longer than forty (40) hours unless the employee receives compensation for his/her employment in excess of forty (40) hours at a rate not less than one and one-half times the regular rate at which he/she is employed;

(c) Defendants RODOLFO L. CARDONA and ELVIRA B. CARDONA shall not, contrary to Sections 11(c) and 15(a)(5) of the Act, fail to make, keep, and preserve records as prescribed by the regulations duly promulgated under Section 11(c) (29 C.F.R. §516), showing employees' hours worked each workday and each workweek, the regular rate of pay, the basis upon which wages are paid, the total straight time earnings for each workweek, the total overtime excess compensation, the nature and amount of each deduction made each workweek, and other relevant identifying information pertaining to the employee, with respect to each of their employees.

(2) IT IS FURTHER ORDERED that Defendants owe back wages due under the Act during the period from November 8, 2009, through November 7, 2011, totaling to \$38,000.00 to the employees and in the amounts listed in Exhibit A. Collection of any funds will be governed by applicable federal bankruptcy statutes.

(3) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants shall provide a Notice of Employee Rights to each of their employees with the next regularly scheduled payroll checks. Defendants shall provide this same Notice of Employee Rights to each individual who becomes employed with any of Defendants' business interests in the future. The Notice of Employee Rights shall be in the following form:

Notice of Employee Rights

The U.S. Department of Labor investigates possible violations of the Federal Wage and Hour Laws. The Fair Labor Standards Act provides that all employees must be paid minimum wage and overtime wages at one and one-half times their regular rate of pay for all hours worked.

If you think you are not being paid in accordance with the law, you can call the U.S. Department of Labor, Wage and Hour Division, at (415) 625-7720 or (866) 487-9243. Your name will be kept confidential to the furthest extent of the law.

Abiso ng Karapatan ng Empleyado

Ang US Department of Labor ay nagiimbestiga ng posibleng paglabag sa Federal na Batas ng Sahod at Oras. Ang Batas na Fair Labor Standards Act ay nagbabatay na ang lahat ng mga empleyado ay dapat na binabayaran ng minimum na pasahod at overtime na sahod sa rate na isa at isa't kalahating beses ng kanilang regular na rate para sa lahat ng oras na natrabaho.

Kung sa palagay mo na hindi ka binabayaran ayon sa batas, maaari kang tumawag sa U.S. Department of Labor, Dibisyon ng Sahod at Oras sa (415) 625-7720 o sa (866) 487-9243. Ang iyong pangalan at mananatiling kumpidensyal ayon sa lawak ng batas.

(4) IT IS FURTHER ORDERED that all submissions to or communications with the District Director of the Wage and Hour Division shall, unless otherwise noted, be made to:

Susana Blanco
District Director
Wage and Hour Division
90 7th Street, Suite 12-100
San Francisco, CA 94103-6719

(5) IT IS FURTHER ORDERED that, no later than June 1 and December 1, of each year from December 1, 2013 to December 1, 2016 inclusive, Defendants shall provide the Wage and Hour Division with a self-audit of its compliance with 29 U.S.C. §§206, 207, 211, 212 and 215. The self-audit form is attached as Exhibit B. Defendants shall use this same format in each of the three successive years beginning with December 1, 2013.

(6) IT IS FURTHER ORDERED that each party shall bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

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(7) IT IS FURTHER ORDERED that this Court retains jurisdiction of this action for purposes of enforcing compliance with the terms of this Consent Judgment and Order.

DATED this 10th day of January, 2014, ~~2013~~.



UNITED STATES ~~DISTRICT~~ JUDGE
Magistrate

Presented by:

M. PATRICIA SMITH

Solicitor of Labor

JANET M. HEROLD

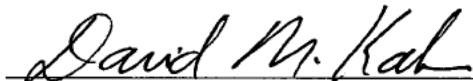
Regional Solicitor

DAVID M. KAHN

Counsel for Employment Standards

ASHKEA H. MCALLISTER

Attorney



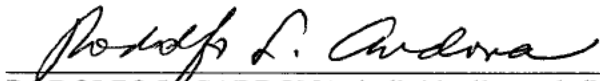
United States Department of Labor

Counsel for Plaintiff

9/20/2013

Date

Entry of this Judgment is hereby consented to:



RODOLFO L. CARDONA, individually, and dba
MONTE FARLEY MANOR GUEST HOME, MONTE
FARLEY II, URSO'S MONTE FARLEY
MANOR, and MONTE FARLEY IV
Defendant

9/16/13

Date

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U.S. DEPARTMENT OF LABOR
OFFICE OF THE SOLICITOR
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Elvira B. Cardona
ELVIRA B. CARDONA, individually, and *dba*
MONTE FARLEY MANOR GUEST HOME, MONTE
FARLEY II, URSO'S MONTE FARLEY
MANOR, and MONTE FARLEY IV
Defendant

9/16/13
Date

R. K. Losch
RONALD K. LOSCH
Counsel for Defendants

9/18/2013
Date

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U.S. DEPARTMENT OF LABOR
OFFICE OF THE SOLICITOR
90 Seventh Street, Suite 3-700
San Francisco, CA 94103
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Exhibit A

Employee	Back Wages
Cecilia Abaieras	\$77.45
Armando Burgos	203.89
Christeta Buan	7,306.74
Leonido Buan	8,109.98
Hermenio Caoi	3,305.63
Leticia Caoi	5,598.45
Cynthia Corpuz	1,461.11
Evangeline Erquiza	321.46
Marilyn Estrada	391.09
Nelly Pula	8,474.07
Laura Tugade	2,196.70
Gerardo Ubay	553.41

Total Due: \$38,000.00

Exhibit B**Self-Audit**

Notice: This self-audit has been developed pursuant to the Consent Judgment filed Sept. 25, 2013 ("Consent Judgment"), between the U.S. Department of Labor, Wage and Hour Division and Rodolfo Cardona and Elvira Cardona, individuals jointly doing business as Monte Farley Manor Guest Home, Monte Farley II, URSO's Monte Farley Manor, and Monte Farley IV. This self-audit is designed to determine compliance under Sections 6, 7, 11(c), 15(a)(2), and 15(a)(5) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. §§201- 19), as ordered under the Consent Judgment. This form will be kept confidential and will not be provided to other Federal, State, or Local agencies, companies, incorporations and/or competitors of Rodolfo Cardona and Elvira Cardona, without the express written agreement of both the U.S. Department of Labor and Rodolfo Cardona and Elvira Cardona. This form will be submitted to the U.S. Department of Labor, Wage and Hour Division by Rodolfo Cardona and Elvira Cardona no later than June 1 and December 1, of each year from December 1, 2013 to December 1, 2016.

Business Information

Name of Care Home: _____

Address: _____

City: _____ State: _____ ZIP Code _____

Telephone Phone: _____ Business Type (Circle One): *Inc.* | *LLC.* | *Sole Prop.***FLSA Compliance Information**

Reporting Period: _____ to: _____ Number of Employees: _____

Number of Pay Periods: ____ Pay Period (Circle One): *Weekly* | *Bi-weekly* | *Monthly* | *Semi-Monthly*Method of Payment (Circle One): *Cash* | *Check* | *Direct Deposit*Time Cards/Sheets (Circle One): *Yes* | *No* | *For Some But Not All*Federal Minimum Wage paid to all employees for all workweeks of 40 hours or fewer (Circle One): *Yes* | *No* | *For Some But Not All*Federal Minimum Wage or State/Local Minimum Wage (whichever is higher) paid to all employees for all workweeks that exceed 40 hours (Circle One): *Yes* | *No* | *For Some But Not All*Payment of time and one-half the regular rate of pay to all employees for all hours in excess of 40 worked in a workweek (Circle One): *Yes* | *No* | *For Some But Not All***Recordkeeping:**

- Provide wage statements that include: (1) name, (2) address, (3) social security number, (4) hourly rate, (5) hours worked, (6) total pay earned, (7) any deductions (authorization must be in writing), (8) net pay, (9) employer name, address, and EIN.
- Attach time cards/sheets with payroll records for each pay period and notate any deficiencies.